

Remarks

A. Status of the Claims

Claims 32-35, 38, and 40 were pending prior to the Office Action mailed December 15, 2010. No claims have been amended. Claims 32-35, 38, and 40 remain pending.

B. Statement of Substance of Interview

Applicants' attorney, Eagle Robinson, left a voicemail for Examiner Kidwell on December 29, 2009 to clarify the status of the present application because both the final and non-final boxes were checked on the Office Action Summary mailed December 15, 2009. Examiner Kidwell, in turn, left a voicemail for Applicants' attorney stating that the Office Action mailed December 15, 2009 is non-final and that the final rejection box was inadvertently checked.

Applicants' attorney, Eagle Robinson, left another voicemail for Examiner Kidwell on February 26, 2009 requesting clarification of the Office Action mailed December 15, 2009 because the reference used in the rejection is not prior art to the current application due to the priority claim in the current application. Examiner Kidwell, in turn, left a voicemail for Applicant's attorney stating that she had been unable to locate a priority claim in the current application. Examiner Kidwell also noted in the voicemail that she may have overlooked the priority claim, and requested that Applicant's attorney submit a response to the Office Action explaining the priority claim, and evidence thereof, so that it could be considered.

B. Claims 32-35, 38, and 40 Are Patentable

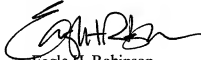
Claims 32-35, 38, and 40 were rejected under 35 U.S.C. § 102(b) as anticipated by WO 02/43634. Applicants respectfully disagree. WO 02/43634 is not prior art. The present application is a divisional of, and claims benefit to, U.S. App. No. 09/725,352, filed November 29, 2000, as indicated in the Transmittal Sheet and Preliminary Amendment filed 9/19/2003, and confirmed by the Filing Receipt which is appended hereto.

WO 02/43634 also claims priority to U.S. App. No. 09/725,352 and could not have published before the priority date of the present application. Thus, WO 02/43634 is not prior art under § 102(b). Applicants therefore respectfully request reconsideration and withdrawal of the rejection. Applicants also respectfully note that the present application lists the same inventors as, and shares the same priority date and priority document with, WO 02/43634.

Conclusion

Applicants believe that the foregoing remarks fully respond to all outstanding matters for this application. Should the Examiner desire to sustain any rejection, the courtesy of a telephonic interview with the undersigned attorney at 512-536-3083 is respectfully requested.

Respectfully submitted,



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Date: March 8, 2010



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APPL. NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/664,535	09/19/2003	3761	750	7175-73441	6	8	2

CONFIRMATION NO. 4275

23643
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FILING RECEIPT



0C000000011455731

Date Mailed: 12/11/2003

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Applicant(s)

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James Robert Risk JR., Milan, IN;

Domestic Priority data as claimed by applicant

This application is a DIV of 09/725,352 11/29/2000

Foreign Applications

If Required, Foreign Filing License Granted: 12/09/2003

Projected Publication Date: 03/18/2004

Non-Publication Request: No

Early Publication Request: No

Title

Vacuum therapy and cleansing dressing for wounds

Preliminary Class

604

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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